

REMARKS

This Application has been reviewed in light of the Final Office Action mailed March 20, 2007. At the time of the Final Office Action, Claims 22-31, 33, 34, 37, 39, 67, and 68 were pending in this Application. Claims 22-31, 33, 34, 37, and 39 were rejected and Claim 25 was objected to. Claims 67 and 68 are allowed. Claims 22, 67, and 28 have been amended to further define various features of Applicants' invention. Claims 1-21, 32, 35, 36, 40-66 were previously canceled without prejudice or disclaimer. Claim 24 has been cancelled without prejudice or disclaimer. New Claims 69-73, which depend from Claim 22, have been added. Applicants respectfully request reconsideration and favorable action in this case.

Telephone Interview Summary

Attorney for Applicants, Eric Grabski, thanks Examiner Lewis for her consideration during a telephone interview on July 18, 2007. During the conversation, Mr. Grabski and Examiner Lewis discussed the allowability of Claim 22 over the *Nicastro* reference (GB 1,185,199), and in particular, the fact that *Nicastro* does not withdraw gas from a bottle, and thus does not include a gas withdrawal conduit from the bottle. Examiner Lewis recommended that Mr. Grabski fax proposed amendments to Claim 22 to her so she could review the amendments with her supervisor. Mr. Grabski faxed the proposed amendments to Claim 22 to Examiner Lewis on July 19, 2007, but has not yet heard back from the Examiner. The proposed amendments to Claim 22 that were faxed to Examiner Lewis are substantially identical to the amendments to Claim 22 presented in this document.

Rejections under 35 U.S.C. §103

Claims 22, 29, 30, 33, 34, 37, and 39 were rejected under 35 U.S.C. §103(a) as being unpatentable over GB 1,185,199 issued to Sebastian Vincent Nicastro ("Nicastro").

Applicants respectfully submit that *Nicastro* does not disclose all of the elements of independent Claim 22, as amended. For example, amended Claim 22 recites:

an economizer valve for minimizing venting by balancing
gaseous oxygen withdrawn from said portable LOX container via a gas
withdrawal conduit and liquid oxygen withdrawal from said portable
LOX container via a liquid withdrawal conduit; (emphasis added)

As discussed during the July 18, 2007 telephone conversation between Mr. Eric Grabski and Examiner Lewis, *Nicastro* does not disclose withdrawing gas from bottle 5 via a gas withdrawal conduit. Instead, *Nicastro* only discloses withdrawing a liquid 6 from bottle 5 and subsequently converting the liquid 6 into gas.

Referring to Figure 1 and page 2, lines 32-40 of *Nicastro*, a bottle 5 for containing a liquid 6 (air or oxygen) can be strapped to a user's back. As shown in Figure 1, the liquid 6 is withdrawn from bottle 5 through a liquid outlet conduit 12, and then travels along two paths:

(a) a first path toward and through a heat exchanger 16 for converting the liquid 6 into gas for breathing purposes (page 2, lines 44-55), and

(b) a second path through line 25, heating coil 26, outlet line 28, valve 29, pressure regulating valve 30, outlet line 32, gas pressurizing conduit 33, and back into bottle 5. (page 2, lines 59-78).

This second path allows a part of the liquid 6 withdrawn from bottle 5 to be converted into gas and reinserted into bottle 5 in order to pressurize the interior of bottle 5. (page 2, lines 59-66). Liquid 6 flowing along the second path is converted into gas by heating coil 26, and the output gas is then directed toward pressure regulating valve 30. Pressure regulating valve 30 merely regulates the flow of this gas back into bottle 5 along line 32 and conduit 33, in order to "provide a uniform and steady pressure [inside bottle 5] to expel the liquid air or oxygen." (page 3, lines 83-87).

Thus, *Nicastro* does not disclose a gas withdrawal conduit for withdrawing gas from bottle 5. As a result, *Nicastro* clearly cannot teach "an economizer valve for minimizing venting by balancing gaseous oxygen withdrawn from said portable LOX container via a gas withdrawal conduit and liquid oxygen withdrawal from said portable LOX container via a liquid withdrawal conduit," as recited in amended Claim 22.

Applicants have also removed the final two limitations of Claim 22. According to the Examiner, these limitations are obvious in view of *Nicastro*. (Final Office Action, page 3).

Thus, removing these limitation from Claim 22 should not affect the allowability of the claim.

For at least these reasons, Applicants respectfully request reconsideration and allowance of amended Claim 22, as well as Claims 23, 25-31, 33-34, 37, and 39.

Allowable Subject Matter

Applicants appreciate the Examiner's allowance of Claims 67 and 68. Applicants have amended Claims 67 and 68 to remove the limitation "said portable LOX container being configured to hold about one pound of LOX when fully charged with LOX." According to the Examiner, this limitation is obvious in view of *Nicastro*. (Final Office Action, page 3). Thus, removing this limitation from Claims 67 and 68 should not affect the allowability of the claims. Therefore, Applicants request allowance of amended Claims 67 and 68.

Applicants also appreciate Examiner's consideration and indication that dependent Claim 25 includes allowable subject matter. However, as Applicants believe independent Claim 22 is allowable for the reasons discussed above, Applicants have not rewritten Claim 25 in independent form at this time.

CONCLUSION

Applicants have now made an earnest effort to place this case in condition for allowance in light of the amendments and remarks set forth above. Applicants respectfully request reconsideration of the pending claims.

Applicants authorize the Commissioner to charge \$790.00 for the RCE Transmittal, and \$120.00 for a Petition for One Month Extension of Time, to Deposit Account No. 50-2148 of Baker Botts L.L.P. Applicants believes there are no additional fees due at this time. However, the Commissioner is hereby authorized to charge any fees necessary or credit any overpayment to Deposit Account No. 50-2148 of Baker Botts L.L.P.

If there are any matters concerning this Application that may be cleared up in a telephone conversation, please contact Applicants' attorney at 512.322.2689.

Respectfully submitted,
BAKER BOTTS L.L.P.
Attorney for Applicants

E.M.G.

Eric M. Grabski
Reg. No. 51,749

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SEND CORRESPONDENCE TO:
BAKER BOTTS L.L.P.
CUSTOMER ACCOUNT NO. **31625**
512.322.2689
512.322.8320 (fax)